

IN THE  
Court of Appeal of the State of California

IN AND FOR THE  
Fifth Appellate District

**F037006      People v. Marquez**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F037006      People v. Marquez**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F034873      People v. Reynoso**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F035967      People v. Massey**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F035967      People v. Massey**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F036866      People v. Fox**

The judgment is affirmed. Vartabedian, Acting P.J.

We concur: Cornell, J.; Polley, ProTem J.

[CERTIFIED FOR PUBLICATION]

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- F034660**      **People v. Frye**  
**F038049**      **In re James Alan Frye on Habeas Corpus**  
                The judgment is affirmed. The petition for writ of habeas corpus is denied. Polley, ProTem J.  
                We concur: Wiseman, Acting P.J.; Cornell, J.  
                [NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F038088**      **In re Taylor P., a Minor**  
                Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.
- F038088**      **In re Taylor P., a Minor**  
                The judgment is reversed and remanded with directions.  
                By the Court.  
                [NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F034567**      **Benabente v. City of Madera**  
                The judgment is affirmed. Wiseman, J.  
                We concur: Vartabedian, Acting P.J.; Harris, J.  
                [NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F037701**      **People v. Tripp**  
                Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.
- F037701**      **People v. Tripp**  
                The judgment is affirmed.  
                By the Court.  
                [NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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**F036262      People v. McDonald**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F036262      People v. McDonald**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F036328      In re Somphon K., a Minor.**

The judgment of the juvenile court is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F034923      People v. Ordaz**

The abstract of judgment shall be modified to reflect 981 days of actual custody credits and 144 days of presentence conduct credits, without prejudice to defendant's right to have the Department of Corrections determine appropriate behavior and worktime credits earned for the entire period of his prison confinement. The award of 138 days of conduct credit shall be stricken. Thus, the abstract of judgment shall reflect a total credit of 1,125 days. Wiseman, J.

We concur: Vartabedian, Acting P.J.; Harris, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F035000      People v. McCollum**

The order to pay the cost of preparation of the probation report is vacated. In all other respects the judgment is affirmed. Polley, Pro Tem J.

We concur: Ardaiz, P.J. ; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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**F037246      People v. Fajardo**

The judgment is modified to strike the personal weapon use enhancement found true in connection with count 1. As so modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment accordingly and notify the Department of Corrections of the amendment.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F035536      Kevin Schmidt D. O. v. County of Kern**

The judgment is affirmed. Costs are awarded to the County. Wiseman, J.

We concur: Ardaiz, P.J.; Polley, ProTem J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F037510      People v. Morin**

The judgment in case No. 632825-6 is modified to reduce the restitution and parole revocation fines to \$200 each and to strike the two prior prison term enhancements imposed in that case. The trial court is directed to prepare an amended abstract of judgment consistent with this opinion and to forward a certified copy to the Department of Corrections. As modified, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F038575      In re Keith T., a Minor**

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F038355      People v. Boizo**

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.